

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ECOFACTOR, INC.,)	
)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	19-12324-FDS
)	
DAIKIN INDUSTRIES, LTD., et al.)	
)	
Defendants.)	
)	

ORDER TO STAY ACTION PURSUANT TO 28 U.S.C. § 1659

SAYLOR, J.

On November 12, 2019, plaintiff EcoFactor, Inc. filed the complaint in this action. The complaint alleges patent infringement against Daikin Industries, Ltd. and several corporate affiliates.

On October 23, 2019, plaintiff filed a complaint with the International Trade Commission (ITC) under Section 337 of the Tariff Act of 1930 addressing the same underlying circumstances as this lawsuit.

On November 22, 2019, the ITC instituted an investigation, naming defendants to this action as respondents.

On December 12, 2019, both parties jointly moved to stay this case while the ITC action is pending. A civil action must be stayed upon the motion of a respondent to an ITC proceeding when that motion is made within the later of (1) 30 days after the party is named a respondent to an ITC proceeding, or (2) 30 days after the district court action is filed. 28 U.S.C. § 1659. The Court finds this motion timely under this standard.

Accordingly, it is hereby ORDERED that

1. This case is STAYED pending the final determination of the associated ITC action.
2. The plaintiff shall notify the Court in writing within 14 days of the final resolution of the ITC action.

So Ordered.

Dated: December 19, 2019

/s/ F. Dennis Saylor IV
F. Dennis Saylor IV
United States District Judge